

REPORT / RECOMMENDATION



To: HRRC

Agenda Item #: VII. A.

From: MJ Lamon Staff Liaison

Action ☐

Date: 10/28/2014

Discussion ☐

Subject: Bias Offense Response Plan

Information ☒

Action Requested:
None.

Information / Background:

The Plan was approved by City Council on October 7, 2014.

Attachment:

Approved Bias Offense and Response Plan



Bias Offense Response and Prevention Plan

INTRODUCTION

The Edina Human Rights and Relations Commission (HRRC) first drafted the Bias Offense Response and Prevention Plan (the Plan) in 1994. The HRRC proposed the Plan to the Edina City Council in March 1997, and the City Council adopted the Plan with some slight revisions on May 5, 1997. The Edina City Council directed the HRRC to review the Plan at least once per year and provide recommended amendments as needed. The Edina City Council updated the Plan in 2003, 2008, and most recently in 2011, and 2014.

Minority population increases continue among the City's residents, workforce, and school population. Approximately 20% of the Edina's School District population is identified as ethnic minority, according to school district information. With increasing diversity in the City and school populations, attention is called to the Plan to ensure participants are prepared to implement its provisions should triggering incidents occur.

PURPOSES

- To establish a procedure for appropriate and timely local response to bias offenses thus showing strong community support for the victim and zero community tolerance for bias offenses that occur within the boundaries of the City of Edina;
- To raise awareness of bias offense responses within the community;
- To establish a Community Resources Network that can be activated as needed.

The Edina HRRC provides or coordinates support to victims of bias offenses and provides leadership in the community to prevent such offenses through education and collaborative community action against prejudice and bigotry. However, it is not the role of the Edina HRRC to investigate bias offenses.

BIAS OFFENSE DEFINED

A bias offense is defined by Minnesota Statute Section 611A.79, Subd. 1, a copy of which is included in Appendix A.

PARTNERSHIP

The Edina HRRC will partner with citizens and organizations in the community in order to provide timely and meaningful support to victims of bias offenses. Local community partners are identified in Appendix B, Community Resources Network.

Key partners include:

- Edina Police Chief
- Edina City Manager
- Edina Mayor and City Council, if appropriate
- Edina School Superintendent, if appropriate
- Local media, if appropriate
- Professional mediation organizations, if appropriate



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RESPONSE AND PREVENTION PLAN PROCESS:

- 1) Subject to the limitations in the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13, the Edina Police Department will notify the City Manager and the HRRC Chair upon receipt from the Edina Police Department or other law enforcement investigatory agency notice of a substantiated event or incident which may constitute a bias offense under Minnesota Statutes. Together, the Edina Police Chief, City Manager and HRRC Chair will determine the appropriate level of response, including any necessary public statements.
- 2) The Edina City Manager will notify the Mayor and City Council as appropriate. Upon receipt of a signed Data Practices Release Form from the victim(s), the HRRC Chair will promptly contact the victim(s) to offer support and determine any further response from the City or community. If the Edina Police Chief informs the HRRC Chair that the initial victim(s) request privacy or if the victim(s) does not return the release form, the HRRC Chair will make no contact.
- 3) The HRRC Chair will call upon members of the Community Resources Network as needed, respecting the privacy of the initial victim. Community response options include:
 - Contact appropriate members of Community Resources Network to inform them of a bias offense and request their support and participation in the response.
 - Only where appropriate and after consultation with the initial victim(s) and the Edina City Manager, the HRRC and/or Community Resources Network members may plan a community-wide response.
- 4) HRRC Chair or designee will initiate initial and follow up contact with the victim(s) in person or by phone.
- 5) After follow-up has occurred, the HRRC and Community Resources Network members involved shall meet as necessary to review the response and take action or make changes.
- 6) The HRRC will send letters of appreciation to Community Resources Network members involved.
- 7) In the event the "Public Property", damaged or defaced as a result of an action that may constitute a bias offense under Minnesota law is not owned or leased or used by the City and is located within the City of Edina (Other Public Property), the Chief Executive Officer or Board Chair of the Other Public Property shall be contacted by the Edina City Manager and be given the opportunity (i) join in the implementation of the Plan; or (ii) join in the cooperative implementation of the Plan with any similar plan in place or created by the owner or operator of the Other Public Property. The City reserves the right to implement the Plan in the event that an owner or operator of the Other Public Property either acting through its Chief Executive Office, Board Chair, or designee (i) declines to participate; or (ii) does not respond to the City's invitation to participate in the implementation of the Plan. However, if the owner or operator of the Other Public Property requests the Edina City Manager to not implement the Plan, the City Manager shall notify the Mayor, City Council, and the HRRC Chair of such request, and shall seek Council guidance on implementation.
- 8) The HRRC Chair will provide a summary report of the response to the Edina City Council and Police Chief.
- 9) At least annually, the HRRC will review the overall process and recommend necessary amendments to the Edina City Council and Police Chief.
- 10) The HRRC will periodically sponsor public information sessions, education and training to promote the understanding and prevention of offenses through collaborative community action.



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APPENDIX A

2013 Minnesota Statutes: <https://www.revisor.mn.gov/statutes/?id=611a.79>

611A.79 CIVIL DAMAGES FOR BIAS OFFENSES.

Subdivision 1. Definition.

For purposes of this section, "bias offense" means conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin.

Subd. 2. Cause of action; damages and fees injunction.

A person who is damaged by a bias offense has a civil cause of action against the person who committed the offense. The plaintiff is entitled to recover the greater of:

- (1) \$500; or
- (2) actual general and special damages, including damages for emotional distress.

A plaintiff also may obtain punitive damages as provided in sections 549.191 and 549.20 or an injunction or other appropriate relief.

Subd. 3. Relation to criminal proceeding; burden of proof.

A person may bring an action under this section regardless of the existence or outcome of criminal proceedings involving the bias offense that is the basis for the action. The burden of proof in an action under this section is preponderance of the evidence.

Subd. 4. Parental liability.

Section 540.18 applies to actions under this section, except that:

- (1) the parent or guardian is liable for all types of damages awarded under this section in an amount not exceeding \$5,000; and
- (2) the parent or guardian is not liable if the parent or guardian made reasonable efforts to exercise control over the minor's behavior.

Subd. 5. Trial; limitation period.

- (a) The right to trial by jury is preserved in an action brought under this section.
- (b) An action under this section must be commenced not later than six years after the cause of action arises.

Subd. 6. Other rights preserved.

The remedies under this section do not affect any rights or remedies of the plaintiff under other law.

History:

1996 c 468 s 1



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APPENDIX B

Community Resources Network

ORGANIZATION	CONTACT	TELEPHONE
Edina Human Rights & Relations Commission	Staff Liaison	952-927-8861
Edina Police Department	Chief of Police	952-826-1610
City of Edina	City Manager	952-927-8861
Edina City Council	Mayor	952-927-8861
Edina Public School District #273	Superintendent	952-848-4000
Richfield Public School District	Superintendent	612-798-6000
Hopkins Public School District	Superintendent	952-988-4000
Edina Chamber of Commerce	Executive Director	952-806-9060
Hennepin County	County Attorney	612-348-5550
Owner/operator of "public property" if not the City of Edina	Call the Human Rights and Relations Staff Liaison for assistance	952-927-8861
Professional Mediation Organizations	Call the Human Rights and Relations Staff Liaison for resource list	952-927-8861
Minnesota Department of Human Rights	Commissioner	651-539-1100